IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.360 OF 2007.

Haji Zakaria Haji Jaffer. ... Appellant.
Versus.
Sarfaraz Noor Mohamed Qureshi. ... Respondent.

Shri Chaurasia holding for Shri A.M.Saraogi for the Appellant.

CORAM : ABHAY S.OKA, J.

DATED : 26th April, 2007.

P.C.:

1. Heard the Advocate for the Appellant/original Plaintiff. By the impugned order, Notice of Motion No.5410 of 2004 taken out by the Appellant/Plaintiff has been dismissed by the trial Court. The prayer in the Notice of Motion which was pressed into service was for reduction of the amount of Rs.3000/- per month payable by the Appellant from 1st October 2004 to Rs.1000/- per month. This relief is sought on the ground that the Appellant is able to enjoy only one shop premises out of the three.

2. Even according to the case of the Appellant, he is able to enjoy one shop premises. That itself is sufficient to justify the compensation of Rs.3000/- per month fixed by the earlier order. No case is made out for interfering with the discretionary order passed by the trial Court. The Appeal is accordingly dismissed.

Judge.